

April 26, 2010

*Empowering Communities.
Changing Lives.*

VIA ELECTRONIC FILING

The Hon. Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski:

Re: GN Docket No. 09-191, WC Docket No. 07-52
In the Matter of Preserving the Open Internet Broadband Industry
Practices.

The National Urban League believes that broadband has become a vital resource for the nation that can help our constituents enter and expand their role in the economic mainstream.

As such, we are committed to eradicating gaps in broadband adoption and literacy for communities of color and low-income communities. Our primary focus has been on collaborating with government, private and not-for-profit enterprises on direct measures and initiatives that include creating relevant content for our constituent communities and explaining the value and importance of broadband to civic engagement, health care, education and full participation in today's economy. We have also carefully vetted and eschewed support of regulatory policies that, in our opinion, would exacerbate the digital divide, negatively affecting opportunities for job growth and entrepreneurship in our communities of service. These concerns have also influenced our perspective with regards to the open internet debate. The Commission has proposed draft rules that codify the four general internet policy principles articulated in its internet policy statement, with two additional rules governing nondiscrimination and transparency across all platforms for broadband internet access.

As a preliminary matter, we fully embrace the concept of a free and open internet. We also recognize that there are inherent difficulties in balancing this interest against the need to maintain protections for consumers from behaviors

that stifle innovation and growth in the provision of content, services and applications. Our chief concern, in regards to this balancing act, is the impact

that the Commission's current proposed rules would have on small and minority- and women-owned businesses and on job creation and job opportunities for historically underserved communities. To avoid outcomes that have the effect of harming the interests of these communities, the Commission should not move forward without having an impartial analysis and fact-finding conducted by independent experts on the potential impact of its proposed rules.

To the extent that the proposed rules allow only one pricing system, they ought to allow providers to offer enhanced delivery and/or quality of services through a tiered pricing framework to increase cost savings to consumers and to avoid potential negative impact on small and minority/women-owned businesses.

In short, any proposed regulatory approach needs to be defined in a way that takes into account the needs of the poor, minorities, the un-served and the underserved and special care and needs to be preceded by thorough analysis to ensure that regulations do not lead to pricing structures that negatively impact the poor or give a disproportionate voice to elite groups in the cause of preserving an open internet. We understand the difficult balancing act faced by the Commission as it proceeds in this endeavor. However, we trust that it will remain mindful of its objectives outlined in the National Broadband Plan to close the digital divide and encourage digital civic participation on the part of underserved groups.

Respectfully yours,

/s/ Marc H. Morial

Marc H. Morial
President and Chief Executive Officer
National Urban League

Cc: Hon. Michael J. Copps
Hon. Robert McDowell
Hon. Mignon Clyburn
Hon. Meredith Attwell Baker